IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 24522 of 2004

Between:

P. Siva Krishnaiah, S/o. Subrahmanyam,
Lingayapalle Village, Vallur Mandal, Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Vallur Mandal, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in suspending the authorization of the petitioner as Fair Price Shop Dealer of Lingayapalle Village in Vallur Mandal of Kadapa District in his Ref.C/1040/2004 dated 2112-2004 without issuing any notice and without conducting any enquiry as illegal, unjust, arbitrary and against the principles of natural justice, extraneous and consequently set aside the order passed by the 1st respondent in his Ref.C/1040/2004, dated 21-12-2004.

Counsel for the Petitioner:MR.L.J.VEERA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorisation of the petitioner was suspended by the first respondent through proceedings dated 21-12-2004 on the allegation that he sold the essential commodities at higher rates and that two bags of rice meant for public distribution were sold at Rs.740/- in favour of one Smt.Salamma. It is also stated that the proceedings under Section 6-A of the Essential Commodities Act were initiated before the Joint Collector. The petitioner challenges the order of suspension.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner had an effective remedy by way of an appeal under Clause 20 of the Andhra Pradesh Public Distribution System Control Order, 2001 before the Joint Collector. The appellate authority is conferred with the power to pass interim orders also. Hence, this Court is not inclined to admit the writ petition filed against the order of suspension.

Learned counsel for the petitioner states that no alternative arrangements have been made in place of the petitioner and that the petitioner may be continued till the appellate authority takes up the application that may be filed by the petitioner.

Hence, the writ petition is disposed of leaving it open to the petitioner to prefer an appeal before the appellate authority. In case no alternative arrangements have been made in place of the petitioner, status quo obtaining as on today shall be maintained till the appellate authority passes orders in the application for stay, provided that it is filed within 10 days from today. No orders as to costs.

29-12-2004

Note: Issue C.C. by three days.

(B/o)

kdl

To

1 The Revenue Divisional Officer, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Vallur Mandal, Kadapa District.

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.